

AMENDED IN SENATE JUNE 22, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 307**

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**Introduced by Assembly Member Nestande  
(Coauthors: Assembly Members Chesbro, Gordon, and Gorell)**

February 9, 2011

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An act to amend Sections 6500 and 65101.1 of, to add Section 6529.5 to, and to repeal ~~Sections 6529 and~~ *Section* 6530 of, the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 307, as amended, Nestande. Joint powers agreements: public agency: federally recognized Indian tribe.

Existing law authorizes 2 or more public agencies, as defined, to enter into an agreement to exercise common powers. Existing law also permits certain federally recognized Indian tribes to enter into joint powers agreements with particular parties and for limited purposes.

This bill would include a federally recognized Indian tribe as a public agency that may enter into a joint powers agreement. This bill would also make conforming changes by conforming related code sections.

This bill would also prohibit any joint powers authority that includes a federally recognized Indian tribe from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive

from the authority, one or more of its public agency members, or any governmental or public fund or account, as defined, the proceeds of which may be used for that purpose.

This bill would state that this bill does not affect, modify, or repeal any existing joint powers authority formed prior to this bill, including a joint powers authority that includes a federally recognized Indian tribe as a party or cooperating agency. This bill would state that this bill continues any authority granted by any prior law for a federally recognized Indian tribe to enter into a joint powers agreement.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 6500 of the Government Code is amended  
2 to read:

3     6500. As used in this article, “public agency” includes, but is  
4 not limited to, the federal government or any federal department  
5 or agency, this state, another state or any state department or  
6 agency, a county, county board of education, county superintendent  
7 of schools, city, public corporation, public district, regional  
8 transportation commission of this state or another state, a federally  
9 recognized Indian tribe, or any joint powers authority formed  
10 pursuant to this article by any of these agencies.

11     ~~SEC. 2. Section 6529 of the Government Code is repealed.~~

12     ~~SEC. 3.~~

13     SEC. 2. Section 6529.5 is added to the Government Code, to  
14 read:

15     6529.5. (a) Any joint powers authority that includes a federally  
16 recognized Indian tribe shall not have the authority to authorize  
17 or issue bonds pursuant to the Marks-Roos Local Bond Pooling  
18 Act of 1985 (Article 4 (commencing with Section 6584)) unless  
19 the public improvements to be funded by the bonds will be owned  
20 and maintained by the authority or one or more of its public agency  
21 members, and the revenue streams pledged to repay the bonds  
22 derive from the authority, one or more of its public agency  
23 members, or any governmental or public fund or account the  
24 proceeds of which may be used for that purpose.

25     (b) As used in this section, “governmental or public fund or  
26 account” includes, but is not limited to, any fund or account that

1 is funded by moneys or revenue streams derived from, held by,  
2 belonging to, due to, or otherwise held for the benefit of, one or  
3 more public agency members, but shall not include any fund or  
4 account that is funded by any grants distributed pursuant to Chapter  
5 7.5 (commencing with Section 12710) of Part 2 of Division 3 of  
6 Title 2.

7 ~~SEC. 4.~~

8 *SEC. 3.* Section 6530 of the Government Code is repealed.

9 ~~SEC. 5.~~

10 *SEC. 4.* Section 65101.1 of the Government Code is amended  
11 to read:

12 65101.1. The Hoopa Valley Business Council, as the governing  
13 body of the Hoopa Valley Indian Tribe, may participate as a  
14 legislative body, pursuant to subdivision (b) of Section 65101 on  
15 the Humboldt County Association of Governments and shall be  
16 deemed to be a public agency, pursuant to Section 6500, for  
17 purposes of Article 1 (commencing with Section 6500) of Chapter  
18 5 of Division 7 of Title 1. The Legislature finds and declares that  
19 the unique circumstances of Humboldt County necessitate this  
20 special law.

21 ~~SEC. 6.~~

22 *SEC. 5.* Nothing in this act shall be construed to affect, modify,  
23 or repeal any existing joint powers authority formed prior to the  
24 effective date of this act, including a joint powers authority that  
25 includes a federally recognized Indian tribe as a party or  
26 cooperating agency. This act continues any authority granted by  
27 any prior law for a federally recognized Indian tribe to enter into  
28 a joint powers agreement.